

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Beverly Morris,)
Plaintiff,) Civil Action No. 6:12-02236-TMC
vs.)
John Doe; Electric Insurance)
Company,)
Defendants.)

)

OPINION & ORDER

On May 8, 2013, counsel for the plaintiff filed a Motion for Stay of Proceedings (ECF No. 36), which advised the court that the plaintiff, Beverly Morris, died on April 2, 2013. The motion was filed without objection.

By text order entered on May 9, 2013, the court partially granted the motion to stay and provided that the action would be stayed for 90 days to allow for possible substitution of parties pursuant to Federal Rules of Civil Procedure 25(a).

Rule 25(a), Federal Rules of Civil Procedure, provides as follows:

Rule 25(a) Death.

(1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. 25(a).

The 90 day time period for filing a motion for substitution has expired. Neither party has filed a motion for substitution or motion to extend the time for filing. The federal rules of civil

procedure “should be construed and administered to secure the just, speedy and inexpensive determination of every action and proceeding.” Fed. R. Civ. 1.

Accordingly, in the absence of a motion for substitution or request for extension of time, this action should be dismissed without prejudice. In light of this ruling, defendant’s Motion for Reconsideration (ECF No. 30) is moot.

Now therefore, it is **ORDERED** that the Motion for Reconsideration (ECF No. 30) is **DENIED** as moot and this action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/ Timothy M. Cain
Timothy M. Cain
United States District Court Judge

Anderson, South Carolina
August 13, 2013